

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of March, Graham Alan

Art Unit 1617

Serial No. 10/622,891

Filed July 17, 2003

Confirmation No. 2751

For PHARMACEUTICAL COMPOSITION AND METHOD FOR THE TREATMENT
OF UREA CYCLE DEFICIENCY OR SICKLE-CELL ANAEMIA

Examiner: Kantamneni, Shobha

January 11, 2007

RESPONSE TO RESTRICTION REQUIREMENT

TO THE COMMISSIONER FOR PATENTS,

SIR:

This letter is in response to the Office action dated October 12, 2006. The Office sets forth a three-way restriction requirement as follows:

Group I: Claims 1-32 drawn to a pharmaceutical composition...;

Group II: Claims 33-49 drawn to a method of treating a patient...; and

Group III: Claims 50-62 drawn to a method of manufacturing a pharmaceutical composition....

Applicant provisionally elects the claims of Group I, claims 1 -32, for examination with traverse.

According to 35 U.S.C. §121, a restriction is proper only if there are at least two independent and distinct inventions. Furthermore, "[i]f the search and examination of an entire application can be made **without serious burden**, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."¹

Applicant respectfully submits that restriction is not proper in this case. Groups 1, 2 and 3 each have the same common element – the pharmaceutical composition. Therefore, any search of the prior art and examination involving the claims of Group I will necessarily co-extend with the search and examination of Groups II and III. In view

¹ MPEP §803 (emphasis added).

of this, Applicant believes that the examination of Groups I, II and III may be made without serious burden and that the claims of Groups I, II and III should be examined together in accordance with MPEP §803.

It is believed that no fees are due regarding this response. However, the Commissioner is hereby authorized to credit any overpayment or charge any underpayment of Government fees to Deposit Account No. 19-1345.

Respectfully submitted,

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